

United States Court of Appeals
for the Eighth Circuit

14-3534

Civ 14-5062

SUPPLEMENTARY ARGUMENT

Clayton walker

v.

Jason Gant Secretary of State,
Marty Jackley

Abstract

The Court has made a mistake in this case and was Void AB INITIO. Major Parties should get the same benefits minor Parties. Minor Parties always have to fight to be placed on the Ballot. I was placed on ballot for 20 days than taken off with an unsuccessful challenge, Defendants use media and endorsements during the election to help major candidates win the election. Voters should get the right to vote for who they wanted on the ballot.(first Amendment) When a voter signs a petitions for both parties it shouldn't just count for Major Parties.

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**U.S. COURT OF APPEALS
EIGHTH CIRCUIT**

authorities

Kelly v McCulloch, US Dist Ct, Montana, 2:08cv-25 [9TH CIRCUIT COURT OF APPEALS]

Michael J. Myers v. Jason Gant Capacity as Secretary of State Civ 14-4121

Williams v. Rhodes, 393 U. S. 23,31-32-1968

Anderson v. Celebrezze

Nader v Ill. State bd. of Elections,819 N.E.2d 1148 (Ill. App Ct. 2004)

Kelly v McCulloch, US Dist Ct, Montana, 2:08cv-25 {judge Haddon}

Constitution Party of New Mexico v Duran 1:12-325

Lubin v. Panish 415US 709,716 (1974)

Kucera v. bradbury

Mandel v. Bradley

Andersen v celebrezze. 499 f supp 121, 124 (1980)

South Dakota

5:02:08:00.01

SDCL 12-1-13

SDCL 12-1-14

SDCL 12-1-15

Declaration of Independence

1st Amendment

6th Amendment

14th Amendment

United States Court of Appeals

Clayton G. Walker

Civ 14-5062

v

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Marty Jackley

If an Independent collected a signature from a voter that had also signed a petitions for a democrat or republican that signature didn't count for a Independent on that DECLARATION OF CANDIDATE. Maybe the state can make an argument of why that is, if everyone should have equal protection under the law.(14th Amendment) The U.S. Ninth Circuit Court of Appeals ruled in favor of minor parties and remanded the case back to trial court. That case in 2012 ruled that the current deadline for independent and minor parties to file and submit signatures is unconstitutionally early. (kelly v. McCulloch) The Court has made a mistake and this needs to be sent back to trial court. I could have stated the 50 cases and 4 federal Court Cases that said the deadline is Unconstitutional, but I did want to save the court time and Paper. Why do Major party candidates get the voter and not the minor party candidates. This is making it harder for Independents to be place on the ballot. Every time a Independent wants to be placed on the ballot they have to fight in court like (Michael Myers v. Jason Gant)(South Dakota), but the supreme court has already ruled on this multiple times.(All Cases Stated already in brief) Other Independent candidates in South Dakota had to fight or break the law to be placed on the ballot, I was the only candidate that did follow the law but was taken off. To this date Independent candidates don't get the same media airtime as major parties do.(Williams v Rohodes 393, US 23, 34 1968) This case isn't complicated, with four federal cases ruling that early deadlines was unconstitutional and over 50 lower district court cases stating this same thing. But three South Dakota Judges said they wanted nothing to do with this highly politicized case and the selective prosecution. So why does the state still want to fight the Plaintiff and Independents? Is it because I was the poorest candidate to ever run for the US Senate, maybe it was my age, the youngest to run in South Dakota, does it have to do with the cover-up at a state university campus or Just helping Major Parties win. The state didn't want this story to come out in the news because it wouldn't help major party candidates win. Please read my first Brief for a back ground on this case.

In the Transcript the Judge states on Page 19.17 that Independent candidates should have the same benefits as Major Party candidates from Anderson v. Celebrezze but they dont.(Michael J. Myers v. Jason Gant Capacity as Secretary of State :Civ 14-4121) on Page 20.22 it would not be impossible with a special election. Page 22.9

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the court talks about how Ralph Nader didn't meet the deadline with the number of signatures he had. But I had the number of signatures and was placed on the ballot than taken off 20 days later.(first Amendment) page 22.14 the court is feeding the defendants with Information.(Canon Code Rules and Ethics) Page 25.20 Independents always have to fight to be placed on the ballot. (Michael J. Myers v. Jason Gant) we are always fighting to be placed on the Ballot. Page 28.14 who was this lawyer? They talk about how 4 cases were not moot, but ruled my case as moot. They have no factual cases to rule this moot.

The Point of collecting voter signatures is to show that you had the Support from the public that they wanted you on the Ballot.(first Amendment) With over 3,500 Signatures I had an overwhelming Support in the community. If you remember from my brief democrats only needed to collect about 1200 signatures.

The Judge stated that this case was just about two issues. This case is a lot more than just that. Our state is working on changing the law on the amount of time one needs to challenge a candidates petitions. why is the state of South Dakota doing this because they know some of South Dakota state officials committed election fraud to help other candidates win the election. I should be able to call witness according to the US Constitution.(6 th Amendment)

The Judge had to ask his attorney for help to help him understand this case, but who was this Attorney was this attorney working for the state or has before. Three Judges didn't want anything to do with this case because they knew all about the 4 Supreme Court cases. The case is about getting equal treatment under the law, early petition deadlines; A failed challenge Under SOUTH DAKOTA CODIFIED LAWS.(12-1-13) Because Im Pro SE If this wasn't brought up in my first argument/Suit I ask the court to let me know so I can file a Separate lawsuit to handle this matter. But in my argument it was about equal treatment, the challenge itself, Unconstitutional early deadlines, and the number of signatures of Major v. Minor parties.

Reason for granting this appeal is that you have seen all the facts stated above and looked over 50 District Court case and 4 Federal Court Cases. If the State doesn't follow it's own SDCL, why do we have them. Who should be enforcing these laws? I respectfully ask this court to honor there 55 decision and grant this Appeal. Im also requesting that any other relief or rights that the Court thinks I should have that would be fair and Just be granted to me. The law should be equal for all parties and when a voter signs a petition it should count for all candidates and not just the major parties.

Dated this 23rd Day of January 2015



Clayton Walker
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Black Hawk, SD 57718

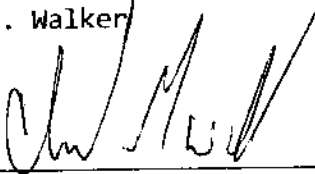
certificate of service.

CERTIFICATE OF SERVICE

I hereby certify that on the 23RD day of JANUARY 2015 a copy was sent to Jason Gant @ 500 E Capitol Ave Pierre SD 57501 AND to the clerk at 111 South 10th st. Room 24.329, St. Louis, Missouri 63102. A true and correct copy of the SUPPLEMENTARY ARGUMENT was sent by US MAIL.

Dated this 23rd day of January 2015

Clayton G. Walker

A handwritten signature in black ink, appearing to read 'Clayton G. Walker', is written over a horizontal line.

Clayton Walker
5445 Medallion dr.
Black Hawk SD 57718